

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for June 8, 2005 PLANNING COMMISSION MEETING

This is a combined staff report for related items. This report contains a single background and analysis section for all items. However, there are separate conditions provided for each individual application.

PROJECT #: Special Permit #05023
Use Permit #140B

PROPOSAL: To expand the Appian Way use permit and allow an 18-screen theater.

LOCATION: South 91st Street and Pine Lake Road

LAND AREA: SP#05023 - Approximately 24.52 acres.
UP#140B - Approximately 140.6 acres.

CONCLUSION: These requests are associated with three other applications: a comprehensive plan amendment and a zoning text change to modify the current Theater Policy to allow theaters with more than six screens when they are more than 6.5 miles from downtown; and a change of zone from AG to B-5. Staff is recommending denial of all three associated applications based upon the finding that such a theater complex is not consistent with the goals of the Comprehensive Plan. In addition, the applicant's assumption about traffic generated by office and theater uses are flawed, and may result in violating the spirit of the "traffic cap" in the annexation agreement, and calls into question whether the land east of South 91st Street should retain its commercial designation. In addition, the siting of the theater should be considered more carefully to buffer nearby residential areas and create a more pedestrian-oriented relationship with future development of abutting lots.

RECOMMENDATION:

Special Permit #05023

Denial

Use Permit #140B

Denial

GENERAL INFORMATION:

LEGAL DESCRIPTION: See attached legal description.

EXISTING ZONING: AG Agriculture

PROPOSED ZONING: B-5 Planned Regional Business

EXISTING LAND USE: Undeveloped

SURROUNDING LAND USE AND ZONING:

North:	Undeveloped	AG
South:	Commercial	B-5
East:	Undeveloped, Nebraska Heart Hospital	R-3
West:	Undeveloped	B-5

ASSOCIATED APPLICATIONS:

CPA#05014 - A request to amend the Comprehensive Plan by deleting several statements that refer to the Theater Policy and entertainment in the downtown, and by deleting one statement requiring market studies for proposed new theaters outside the downtown.

CZ#05035 - A request to amend Section 27.63.630(c) of the Zoning Ordinance for theaters in the B-5 district to allow theater complexes consisting of more than six screens provided it is located outside a 6.5 mile radius measured from the center of the intersection of 13th and O Streets.

CZ#05036 - From AG Agriculture to B-5 Planned Regional Business for 14.11 acres.

AA#05051 - An administrative amendment to revise the land use table for UP#140A to allow 15% internal and 20% pass-by reductions to be used in the trip generation calculations.

HISTORY:

July 14, 2002 - CPA#03018 was approved changing the land use designation from residential to commercial for approximately 44 acres of land located at South 91st Street and Highway 2.

November 5, 2001 - ANN#01006 annexing 245 acres into the City of Lincoln, CZ#3320 changing the zoning on 98.8 acres east of relocated South 91st Street from AG to R-3, CZ#3285 changing the zoning on 146.3 acres between South 84th and relocated South 91st Street north of Highway 2 from AG to B-5, and UP#140 for 825,400 square feet of commercial space, with the option to expand to 940,000 square feet provided that the total p.m. peak hour trips does not exceed 2,925 for Appian Way regional center were all approved.

September 28, 2001 - PP#01006 for Appian Way Regional Center for 28 commercial lots and 8 outlots.

COMPREHENSIVE PLAN SPECIFICATIONS:

Page V2 - Vision - Downtown Lincoln belongs to all residents of Nebraska because "downtown" is synonymous with the University of Nebraska, State government, and the State Capitol building. This state-wide ownership has strong economic implications, and for that reason, as well as the desire to maintain downtown as the "heartbeat" of the community, the Comprehensive Plan will ensure that downtown remains a special place. The plan will seek to preserve vistas and institutions of cultural importance, to reinforce the district as a center of entertainment, and to promote a rich diversity of activities and uses, including housing, education, government, offices and commerce.

Page F16 - Community Form - Downtown Lincoln continues to serve its role as the central location for commerce, government, entertainment, and the arts. Views to the State Capitol have been preserved, as they have in the past, as part of our community form.

Page F44 - A key element to this role has been the longstanding and successful "theater policy." This policy has allowed downtown to retain an appreciable share of the area's movie theaters. It is intended that this policy would continue as part of the present Plan."

Page F44 - Market impact studies will still be required for movie theaters.

Page F48 - The City should preserve and enhance Downtown's role as

- the major office and service employment center of the City
- the focus of all levels of government
- the City's principal cultural and entertainment center
- the hotel and convention center for the City
- the City's financial center
- a hub of higher education
- specialty retail geared toward employees, area residents, convention visitors and University population

- Lincoln's successful Theater Policy must be maintained and reinforced. New entertainment attractions should be encouraged to locate in the downtown.

Appendix A - Southeast Lincoln/Highway 2 Subarea Plan:

Page 6 - Vision for the Southeast Lincoln/ Highway 2 Subarea - Provide Effective land use transitions; provide appropriate transitions from commercial to residential land uses. Within commercial areas, office and lower intensity commercial uses along with appropriate buffer areas should be developed as a transition to adjacent residential areas. In some areas, special residential" uses should be provided to adjacent lower density residential uses. Special residential uses could include churches, domiciliary care facilities, retirement apartments, child care facilities or townhomes. In more urban settings, which are further from existing single family residences, apartments may also be appropriate as a special residential uses.

Page 7 - Figure 2 - The subarea plan designates commercial land uses for this site.

Page 9 - Clarify the appropriate size and type of uses in the Center at 84th & Highway 2: this subarea plan designates the area from approximately 91st to 98th for predominately residential use, while including a 44 acre tract for a mix of commercial uses at the northeast corner of 91st and Highway 2. The overall site includes a regional center with approximately 1.9 million SF of commercial space -- larger than the present Westfield shopping center. The plan encourages the planned center at 84th and Highway 2 to develop with a mix of uses, including residential and appropriate transitions to existing residential areas.

UTILITIES: All utilities are available to serve this area.

TRAFFIC ANALYSIS: Access to the theater site is provided by driveway connections to proposed South 88th Street, proposed Heritage Lakes Drive, and South 91st Street. Both South 88th Street and Heritage Lakes Drive will be private roadways when built, and the driveways onto them are internal to the shopping center. One driveway to South 91st Street is shown. South 91st Street is a major arterial, and Public Works has not approved a driveway at that location.

REGIONAL ISSUES: The impact upon the downtown of an 18-screen theater at this location.

ALTERNATIVE USES: Office or lower intensity commercial uses placed adjacent to both South 91st Street and Pine Lake Road to provide a more appropriate transition to the residentially-zoned properties across both streets.

ANALYSIS:

1. This request is associated with CPA#05014, CZ#05035, and CZ#05036 which all relate to developing an 18-screen theater at Prairie Lakes Shopping Center. In addition to rezoning, a special permit per Lincoln Municipal Code Section 27.63.630 for theaters is required, and the use permit for Appian Way must also be amended for the theater site to be included in it.
2. Staff is recommending denial of the three associated applications. The recommendation is based on a finding that siting an 18-screen theater at Prairie Lakes is not going to be a profitable venture, but if it is built, it would significantly reduce attendance at downtown theaters threatening their vitality, which in turn would have detrimental impacts on other existing downtown businesses and damage the City's efforts to revitalize the downtown and maintain its position as the heart of the community. All these impacts are contrary to longstanding goals in the Comprehensive Plan. However, should the Planning Commission choose to approve the applications, a set of conditions is provided that staff recommends be part of the approval. Other areas of concern which serve as the basis for the conditions of approval are discussed in the following paragraphs.

3. AA#05051 proposes to revise the trip generation calculations in the land use table for UP#140A. The table includes land uses, floor areas, trip generation rates for all lots within the development, and is being revised to show the net p.m. trips after taking into account the allowable 15% internal and 20% pass-by trip reductions as allowed in the annexation agreement. A trip cap was established for this shopping center in the annexation agreement, and reinforced in the adoption of the Southeast Lincoln/Highway 2 Subarea Plan. The purpose of the 'trip cap' is to preserve the capacity of Highway 2 through this part of the city. If approved, these requests would provide an additional 342 p.m. peak hour trips for use within the development. One exception to the allowed trip reductions in the approved traffic study was for office uses which were not allowed a 20% pass-by reduction. While a pass-by reduction may be appropriate for retail and restaurant uses, it would not be appropriate to use that assumption for office uses.
4. The land use table as part of this request must be revised using the correct net p.m. trips from AA#05051. Also, the 20% pass-by reduction for office uses included in UP140B's land use table must also be deleted consistent with #3 above.
5. Public Works notes that the theaters should also not be allowed the 20% pass-by reduction and that the reduction must also be removed from the calculation. Public Works notes that the 20% pass-by reduction is not applicable to office or theater uses as both are considered destinations. That is, the people using office and theater are there for that use specifically and not making stops at other stores.
6. The trip rates for the proposed theaters assumes nine of the 18 screens will show matinees, and nine of them will not. The theater consultant who prepared the market analysis attached to the staff report on the proposed changes to the theater policy was asked if this was a reasonable assumption. He reported that it was not and that no theater operator would agree to this type of limitation. The revised net p.m. trips for the theaters must use trip rates for theaters with matinees, as there is no enforcement mechanism to guarantee half the screens will not show matinees in the future and continue to qualify for the lower trip rate. The effect of eliminating the pass-by and matinee assumptions for the theater traffic is an increase of 172 p.m. peak hour trips, 199 when the office pass-by reduction is also eliminated.
7. There are an additional 82 acres designated as commercial in the land use plan of the Comprehensive Plan. 38 acres north of the shopping center and west of the proposed theater site, and 44 acres northeast of the intersection of South 91st Street and Highway 2. The annexation agreement covering this area allowed a total of 5,283 net p.m. peak commercial vehicle trips, with 4,044 of the trips allocated for the area north of Highway 2, and 1,239 south of the highway for the commercial

center known as Appian Way Phase II. It is important as these areas continue to develop that traffic generators be closely monitored to ensure that proposed development does not exceed the cap. Staff is concerned that after the trip table is revised, only 1,411 trips remain to be allocated over the remaining 82 acres. Staff would consider initiating a comprehensive plan amendment to change the designation of the 44 acres east of South 91st Street back from commercial to urban residential as it was prior to 2002 if the cap were to be exceeded. This would preserve the spirit of the traffic cap in the annexation agreement.

8. The Comprehensive Plan's Land Use Plan designates this area for commercial development. However, the Plan also calls for uses to be located to ensure compatibility with surrounding residential areas. The site plan should be revised to show the theater moved west and more internal to the shopping center to allow for office or other lower intensity uses to be sited along South 91st Street and Pine Lake Road, similar to an earlier concept plan provided to staff (copy attached). Unless approved by Public Works, the driveway to South 91st Street must also be deleted. This would also allow the street currently shown bisecting the theater site to be removed thereby eliminating the potential for pedestrian/vehicle conflict created by people walking from their cars to the theater. As drawn, the site plan does not reflect the Comprehensive Plan's goal of a pedestrian-oriented design. If these requests are approved, the specific site layout should be subject to site plan review by administrative amendment.
9. Under the current theater policy, an application for a special permit and use permit for a six-screen theater in a B-5 district is presumed to be approvable. A smaller-scale proposal would raise fewer questions about impacts on the downtown and about the traffic cap. Staff encourages the applicant to withdraw and resubmit plans for a theater that is consistent with the current policy.
10. Staff is also concerned about the undesignated remaining area north of the proposed theater site between the parking lot and Pine Lake Road. It is too deep to be a buffer and too shallow to be a reasonable lot dimension.
11. Approved grading and drainage, street profile, and utility plans must also be approved. The details of these plans can be deferred, but must be included as part of the administrative amendment process and be approved prior to issuance of building permits.
12. The site plan must be revised to show the required 50' setback along South 91st Street.
13. It is noted that a waiver to the preliminary plat process has been requested, however, with the recent amendment to Title 26 Land Subdivision Ordinance this

request is not necessary. Final plats can be approved based upon the approved use permit.

14. The Health Department notes that there is a 12" high-pressure gas line extending across this site west of the proposed theater. It is recommended that no occupied structures be located within 220' of the pipeline, and that owners and lessees be advised of the projected hazard area.

As noted previously, staff recommends denial of these applications. However, should the Planning Commission choose to approve them, staff recommends that approval be subject to the following conditions.

CONDITIONS:

Special Permit #05023

Site Specific:

1. This approval permits an 80,000 square foot, 18-screen theater.

General:

2. Before receiving building permits:
 - 2.1 The permittee shall complete the following instructions and submit the documents and plans to the Planning Department for review and approval.
 - 2.1.1 A revised site plan showing the following revisions:
 - 2.1.1.1 A revised land use table that deletes the 20% pass-by reductions for the both the office uses on Lots 4 & 5, Block 2 and Lots 10 & 11, Block 3, and for the theaters.
 - 2.1.1.2 All theater screens identified as "with matinee."
 - 2.1.1.3 The required 50' setback along South 91st Street.
 - 2.1.1.4 Note #34 revised as follows: LOT LAYOUT FOR LOT 1, BLOCK 4 SHOWN WITHIN THE BOUNDARY OF THIS SPECIAL PERMIT/USE PERMIT IS CONCEPTUAL. THE SPECIFIC SITE LAYOUT, INCLUDING GRADING AND DRAINAGE, STREET

PROFILE, AND UTILITY PLANS MUST BE APPROVED BY ADMINISTRATIVE AMENDMENT PRIOR TO ISSUANCE OF BUILDING PERMITS.

2.1.1.5 Delete waiver request #4 under "WAIVERS" relating to waiver of the preliminary plat.

2.1.1.6 Show the 12" high-pressure gas line across the site, and add General Note #35 which states: THERE IS A 12" HIGH-PRESSURE GAS LINE IN THIS AREA. IT IS RECOMMENDED THAT NO OCCUPIED STRUCTURES BE LOCATED WITHIN 220' OF IT. THE PERMITTEE MUST ADVISE OWNERS AND LESSEES OF THE PROJECT HAZARD AREA.

2.1.1.7 Show revisions to the satisfaction of Public Works and Utilities.

2.1.2 A land use/trip generation table for the remaining approximately 82 acres of commercially-designated land that includes the 38 acres west of this project site and the 44 acres northeast of the intersection of Highway 2 and South 91st Street.

2.2 The construction plans comply with the approved plans.

2.3 Final plat(s) are approved by the City.

Standard:

3. The following conditions are applicable to all requests:

3.1 Before occupying the buildings all development and construction is to comply with the approved plans.

3.2 All privately-owned improvements, including landscaping and recreational facilities, are to be permanently maintained by the owner or an appropriately established owners association approved by the City.

3.3 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.

- 3.4 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
- 3.5 The applicant shall sign and return the letter of acceptance to the City Clerk within 30 days following the approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filling fees therefor to be paid in advance by the applicant.

Use Permit #140B

Site Specific:

1. This approval amends the site plan for Use Permit #140A to permit a total of 874,441 square feet (950,983 originally approved) of commercial and office floor area as shown on the approved plan.

General:

2. Before receiving building permits:
 - 2.1 The permittee shall complete the following instructions and submit the documents and plans to the Planning Department for review and approval.
 - 2.1.1 A revised site plan showing the following revisions:
 - 2.1.1.1 A revised land use table that deletes the 20% pass-by reductions for the both the office uses on Lots 4 & 5, Block 2 and Lots 10 & 11, Block 3, and for the theaters.
 - 2.1.1.2 All theater screens identified as "with matinee."
 - 2.1.1.3 The required 50' setback along South 91st Street.
 - 2.1.1.4 Note #34 revised as follows: LOT LAYOUT FOR LOT 1, BLOCK 4 SHOWN WITHIN THE BOUNDARY OF THIS SPECIAL PERMIT/USE PERMIT IS CONCEPTUAL. THE SPECIFIC SITE LAYOUT, INCLUDING GRADING AND DRAINAGE, STREET PROFILE, AND UTILITY PLANS MUST BE APPROVED BY

ADMINISTRATIVE AMENDMENT PRIOR TO ISSUANCE OF
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2.1.1.5 Delete waiver request #4 under "WAIVERS" relating to waiver of the preliminary plat.

2.1.1.6 Show the 12" high-pressure gas line across the site, and add General Note #35 which states: THERE IS A 12" HIGH-PRESSURE GAS LINE IN THIS AREA. IT IS RECOMMENDED THAT NO OCCUPIED STRUCTURES BE LOCATED WITHIN 220' OF IT. THE PERMITTEE MUST ADVISE THE OWNERS AND LESSEES OF THE PROJECT HAZARD AREA.

2.1.1.7 Show revisions to the satisfaction of Public Works and Utilities.

2.1.2 A land use/trip generation table for the remaining approximately 82 acres of commercially-designated land that includes the 38 acres west of this project site and the 44 acres northeast of the intersection of Highway 2 and South 91st Street.

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4. The site plan as approved with this resolution voids and supersedes all previously approved site plans, however all resolutions approving previous permits remain in force unless specifically amended by this resolution.

Prepared by:

Brian Will
Planner
May 18, 2005

**APPLICANT/
CONTACT:**

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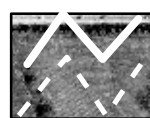
2002 aerial

Special Permit #05023 S. 91st & Pine Lake Rd.

Zoning:

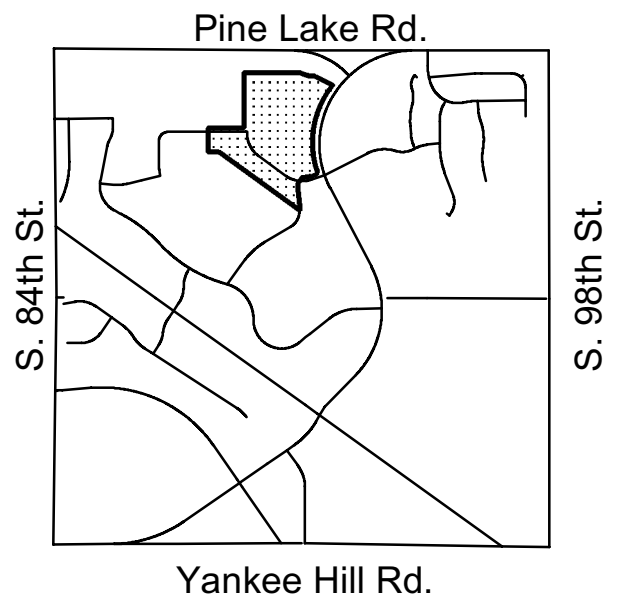
R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile
Sec. 23 T9N R7E



Zoning Jurisdiction Lines

City Limit Jurisdiction



APPIAN WAY REGIONAL CENTER SPECIAL PERMIT LEGAL DESCRIPTION

A TRACT OF LAND COMPOSED OF A PORTION OF OUTLOT O, APPIAN WAY ADDITION AND A PORTION OF THE REMAINING PORTION OF LOT 92 I.T.; LOCATED IN SECTION 23, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE 6TH P.M., LANCASTER COUNTY, CITY OF LINCOLN, NEBRASKA.

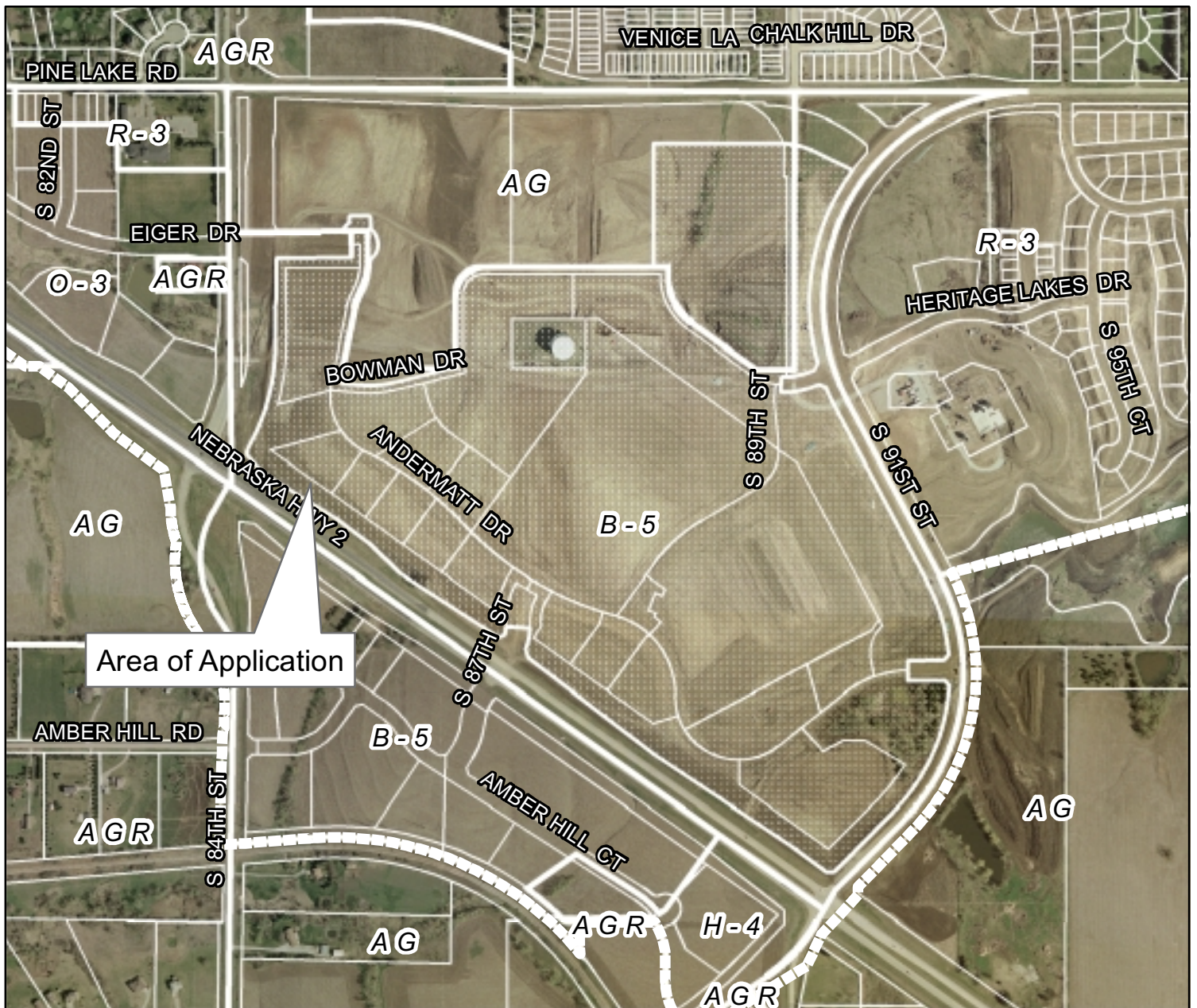
MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 23, THENCE SOUTH 00 DEGREES 40 MINUTES 41 SECONDS EAST, ASSUMED BEARING, ALONG THE WEST LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 809.82 FEET; THENCE NORTH 89 DEGREES, 19 MINUTES, 19 SECONDS EAST, A DISTANCE OF 240.00 FEET; THENCE CONTINUING NORTH 89 DEGREES, 19 MINUTES, 19 SECONDS EAST, A DISTANCE OF 330.59 FEET; THENCE NORTH 00 DEGREES, 22 MINUTES, 12 SECONDS WEST, A DISTANCE OF 120.00 FEET; THENCE SOUTH 89 DEGREES, 19 MINUTES, 19 SECONDS WEST, A DISTANCE OF 41.00 FEET; THENCE NORTH 44 DEGREES, 28 MINUTES, 34 SECONDS EAST, A DISTANCE OF 58.14 FEET; THENCE NORTH 00 DEGREES, 22 MINUTES, 12 SECONDS WEST, A DISTANCE OF 29.00 FEET; THENCE NORTH 89 DEGREES, 19 MINUTES, 19 SECONDS EAST, A DISTANCE OF 100.00 FEET; THENCE SOUTH 00 DEGREES, 22 MINUTES, 12 SECONDS EAST, A DISTANCE OF 54.79 FEET TO A POINT OF CURVATURE; THENCE ALONG A CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING A RADIUS OF 44.00 FEET, ARC LENGTH OF 16.56 FEET, DELTA ANGLE OF 21 DEGREES, 34 MINUTES, 01 SECONDS, A CHORD BEARING OF SOUTH 35 DEGREES, 46 MINUTES, 24 SECONDS EAST, AND CHORD LENGTH OF 16.46 FEET TO A POINT OF REVERSE CURVATURE; THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION, HAVING A RADIUS OF 86.00 FEET, ARC LENGTH OF 138.91 FEET, DELTA ANGLE OF 92 DEGREES, 32 MINUTES, 40 SECONDS, A CHORD BEARING OF SOUTH 00 DEGREES, 17 MINUTES, 05 SECONDS EAST AND CHORD LENGTH OF 124.29 FEET TO A POINT OF REVERSE CURVATURE; THENCE ALONG A CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING A RADIUS OF 44.00 FEET, ARC LENGTH OF 33.93 FEET, DELTA ANGLE OF 44 DEGREES, 11 MINUTES, 18 SECONDS, A CHORD BEARING OF SOUTH 23 DEGREES, 53 MINUTES, 36 SECONDS WEST AND CHORD LENGTH OF 33.10 FEET TO A POINT OF REVERSE CURVATURE; THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION, HAVING A RADIUS OF 346.00 FEET, ARC LENGTH OF 159.68 FEET, DELTA ANGLE OF 26 DEGREES, 26 MINUTES, 31 SECONDS, A CHORD BEARING OF SOUTH 15 DEGREES, 01 MINUTES, 12 SECONDS WEST, AND CHORD LENGTH OF 158.26 FEET TO A POINT OF REVERSE CURVATURE; THENCE ALONG A CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING A RADIUS OF 254.00 FEET, ARC LENGTH OF 75.43 FEET, DELTA ANGLE OF 17 DEGREES, 00 MINUTES, 50 SECONDS, A CHORD BEARING OF SOUTH 19 DEGREES, 44 MINUTES, 02 SECONDS WEST AND CHORD LENGTH OF 75.15 FEET TO A POINT OF TANGENCY; THENCE SOUTH 11 DEGREES, 13 MINUTES, 37 SECONDS WEST, A DISTANCE OF 351.92 FEET; THENCE SOUTH 85 DEGREES, 25 MINUTES, 37 SECONDS EAST, A DISTANCE OF 98.67 FEET TO A POINT OF CURVATURE; THENCE ALONG A CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING A RADIUS OF 464.00 FEET, ARC LENGTH OF 152.10 FEET, DELTA ANGLE OF 18 DEGREES, 46 MINUTES, 56 SECONDS, A CHORD BEARING OF NORTH 85 DEGREES, 10 MINUTES, 55 SECONDS EAST, AND CHORD LENGTH OF 151.42 FEET; THENCE NORTH 75 DEGREES, 47 MINUTES, 27 SECONDS EAST, A DISTANCE OF 306.86 FEET; THENCE NORTH 08 DEGREES, 00 MINUTES, 22 SECONDS WEST, A DISTANCE OF 4.18 FEET TO A POINT OF CURVATURE; THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION, HAVING A RADIUS OF 536.00 FEET, ARC LENGTH OF 74.90 FEET, DELTA ANGLE OF 08 DEGREES, 00 MINUTES, 23 SECONDS, A CHORD BEARING OF NORTH 04 DEGREES, 00 MINUTES, 12 SECONDS WEST, AND CHORD LENGTH OF 74.84 FEET TO A POINT OF TANGENCY; THENCE NORTH 00 DEGREES, 00 MINUTES, 00 SECONDS EAST, A DISTANCE OF 259.02 FEET TO A POINT OF CURVATURE; THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION, HAVING A RADIUS OF 136.00 FEET, ARC LENGTH OF 213.63 FEET, DELTA ANGLE OF 90 DEGREES, 00 MINUTES, 00 SECONDS, A CHORD BEARING OF NORTH 45 DEGREES, 00

APPIAN WAY REGIONAL CENTER SPECIAL PERMIT LEGAL DESCRIPTION

MINUTES, 00 SECONDS EAST, AND CHORD LENGTH OF 192.33 FEET TO A POINT OF TANGENCY; THENCE SOUTH 90 DEGREES, 00 MINUTES, 00 SECONDS EAST, A DISTANCE OF 420.97 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 90 DEGREES, 00 MINUTES, 00 SECONDS EAST, A DISTANCE OF 378.85 FEET; THENCE NORTH 00 DEGREES, 10 MINUTES, 20 SECONDS EAST, A DISTANCE OF 587.53 FEET; THENCE SOUTH 89 DEGREES, 47 MINUTES, 55 SECONDS EAST, A DISTANCE OF 594.74 FEET TO A POINT OF CURVATURE; THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION, HAVING A RADIUS OF 386.00 FEET, ARC LENGTH OF 174.69 FEET, DELTA ANGLE OF 25 DEGREES, 55 MINUTES, 51 SECONDS, A CHORD BEARING OF SOUTH 76 DEGREES, 50 MINUTES, 00 SECONDS EAST, AND CHORD LENGTH OF 173.21 FEET TO A POINT OF TANGENCY; THENCE SOUTH 63 DEGREES, 52 MINUTES, 05 SECONDS EAST, A DISTANCE OF 200.82 FEET TO A POINT OF CURVATURE; THENCE ALONG A CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING A RADIUS OF 1,065.00 FEET, ARC LENGTH OF 963.45 FEET, DELTA ANGLE OF 51 DEGREES, 49 MINUTES, 57 SECONDS, A CHORD BEARING OF SOUTH 10 DEGREES, 16 MINUTES, 37 SECONDS WEST, AND CHORD LENGTH OF 930.93 FEET; THENCE SOUTH 27 DEGREES, 23 MINUTES, 00 SECONDS WEST, A DISTANCE OF 36.15 FEET; THENCE SOUTH 71 DEGREES, 04 MINUTES, 43 SECONDS WEST, A DISTANCE OF 57.97 FEET TO A POINT OF CURVATURE; THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION, HAVING A RADIUS OF 264.00 FEET, ARC LENGTH OF 102.07 FEET, DELTA ANGLE OF 22 DEGREES, 09 MINUTES, 07 SECONDS, A CHORD BEARING OF SOUTH 82 DEGREES, 09 MINUTES, 17 SECONDS WEST, AND CHORD LENGTH OF 101.43 FEET; THENCE SOUTH 03 DEGREES, 13 MINUTES, 50 SECONDS WEST, A DISTANCE OF 36.00 FEET TO A POINT OF CURVATURE; THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION, HAVING A RADIUS OF 300.00 FEET, ARC LENGTH OF 24.38 FEET, DELTA ANGLE OF 04 DEGREES, 39 MINUTES, 20 SECONDS, A CHORD BEARING OF NORTH 84 DEGREES, 26 MINUTES, 30 SECONDS WEST, AND CHORD LENGTH OF 24.37; THENCE SOUTH 07 DEGREES, 53 MINUTES, 10 SECONDS WEST, A DISTANCE OF 15.00 FEET TO A POINT OF CURVATURE; THENCE ALONG A CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING A RADIUS OF 450.00 FEET, ARC LENGTH OF 102.26 FEET, DELTA ANGLE OF 13 DEGREES, 01 MINUTES, 12 SECONDS, A CHORD BEARING OF SOUTH 01 DEGREES, 22 MINUTES, 33 SECONDS WEST, AND A CHORD LENGTH OF 102.04 FEET TO A POINT OF TANGENCY; THENCE SOUTH 05 DEGREES, 08 MINUTES, 03 SECONDS EAST, A DISTANCE OF 184.10 FEET TO A POINT OF CURVATURE; THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION, HAVING A RADIUS OF 200.00 FEET, ARC LENGTH OF 12.03 FEET, DELTA ANGLE OF 03 DEGREES, 26 MINUTES, 48 SECONDS, A CHORD BEARING OF SOUTH 03 DEGREES, 24 MINUTES, 41 SECONDS EAST, AND CHORD LENGTH OF 12.03 FEET; THENCE NORTH 54 DEGREES, 02 MINUTES, 32 SECONDS WEST, A DISTANCE OF 1,053.07 FEET; THENCE SOUTH 90 DEGREES, 00 MINUTES, 00 SECONDS WEST, A DISTANCE OF 120.26 FEET; THENCE NORTH 00 DEGREES, 00 MINUTES, 00 SECONDS WEST, A DISTANCE OF 250.67 FEET TO THE POINT OF BEGINNING. CONTAINING AN AREA OF 1,068,025.83 SQUARE FEET, 24.52 ACRES.

April 26, 2005



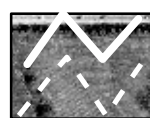
2002 aerial

Use Permit #140B S. 91st & Pine Lake Rd.

Zoning:

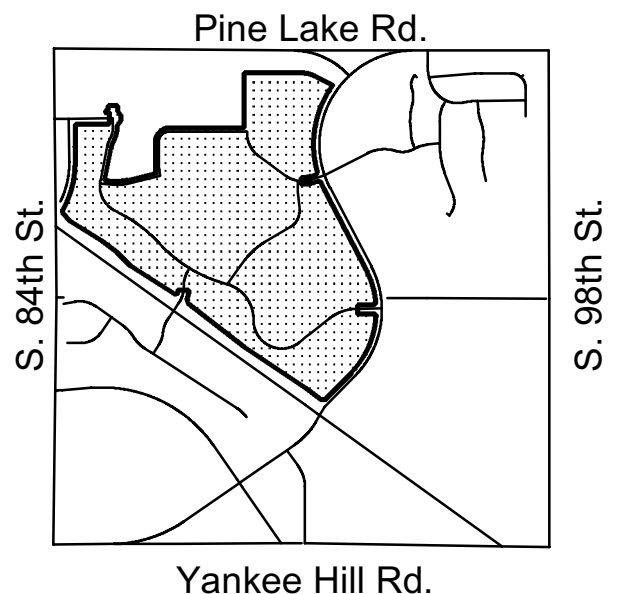
R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile
Sec. 23 T9N R7E



Zoning Jurisdiction Lines

City Limit Jurisdiction



APPIAN WAY REGIONAL CENTER USE PERMIT LEGAL DESCRIPTION

A TRACT OF LAND COMPOSED OF LOTS 1, 2 AND 3, BLOCK 1, APPIAN WAY ADDITION, OUTLOTS A, D, E, H, I, AND M, APPIAN WAY ADDITION, A PORTION OF OUTLOT N, APPIAN WAY ADDITION, A PORTION OF OUTLOT O, APPIAN WAY ADDITION, LOT 1, APPIAN WAY 1ST ADDITION, LOT 1, APPIAN WAY 2ND ADDITION, LOT 1, APPIAN WAY 3RD ADDITION, LOTS 1, 2 AND 3, APPIAN WAY 4TH ADDITION, LOTS 1, 2 AND 3, APPIAN WAY 5TH ADDITION, OUTLOT A, APPIAN WAY 5TH ADDITION, LOTS 1 AND 2, APPIAN WAY 6TH ADDITION, OUTLOT A, APPIAN WAY 6TH ADDITION, A PORTION OF THE REMAINING PORTION OF LOT 92 I.T., AND A PORTION OF THE REMAINING PORTION OF LOT 56 I.T., ALL LOCATED IN SECTION 23, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE 6TH P.M., LANCASTER COUNTY, CITY OF LINCOLN, NEBRASKA.

MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 23, THENCE SOUTH 00 DEGREES 40 MINUTES 41 SECONDS EAST, ASSUMED BEARING, ALONG THE WEST LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 809.82 FEET; THENCE NORTH 89 DEGREES, 19 MINUTES, 19 SECONDS EAST, A DISTANCE OF 240.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 89 DEGREES, 19 MINUTES, 19 SECONDS EAST, A DISTANCE OF 344.59 FEET; THENCE NORTH 00 DEGREES, 22 MINUTES, 12 SECONDS WEST, A DISTANCE OF 120.00 FEET; THENCE SOUTH 89 DEGREES, 19 MINUTES, 19 SECONDS WEST, A DISTANCE OF 55.00 FEET; THENCE NORTH 44 DEGREES, 28 MINUTES, 34 SECONDS EAST, A DISTANCE OF 58.14 FEET; THENCE NORTH 00 DEGREES, 22 MINUTES, 12 SECONDS WEST, A DISTANCE OF 29.00 FEET; THENCE NORTH 89 DEGREES, 19 MINUTES, 19 SECONDS EAST, A DISTANCE OF 100.00 FEET; THENCE SOUTH 00 DEGREES, 22 MINUTES, 12 SECONDS EAST, A DISTANCE OF 54.79 FEET TO A POINT OF CURVATURE; THENCE ALONG A CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING A RADIUS OF 44.00 FEET, ARC LENGTH OF 16.56 FEET, DELTA ANGLE OF 21 DEGREES, 34 MINUTES, 01 SECONDS, A CHORD BEARING OF SOUTH 35 DEGREES, 46 MINUTES, 24 SECONDS EAST, AND CHORD LENGTH OF 16.46 FEET TO A POINT OF REVERSE CURVATURE; THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION, HAVING A RADIUS OF 86.00 FEET, ARC LENGTH OF 138.91 FEET, DELTA ANGLE OF 92 DEGREES, 32 MINUTES, 40 SECONDS, A CHORD BEARING OF SOUTH 00 DEGREES, 17 MINUTES, 05 SECONDS EAST AND CHORD LENGTH OF 124.29 FEET TO A POINT OF REVERSE CURVATURE; THENCE ALONG A CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING A RADIUS OF 44.00 FEET, ARC LENGTH OF 33.93 FEET, DELTA ANGLE OF 44 DEGREES, 11 MINUTES, 18 SECONDS, A CHORD BEARING OF SOUTH 23 DEGREES, 53 MINUTES, 36 SECONDS WEST AND CHORD LENGTH OF 33.10 FEET TO A POINT OF REVERSE CURVATURE; THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION, HAVING A RADIUS OF 346.00 FEET, ARC LENGTH OF 159.68 FEET, DELTA ANGLE OF 26 DEGREES, 26 MINUTES, 31 SECONDS, A CHORD BEARING OF SOUTH 15 DEGREES, 01 MINUTES, 12 SECONDS WEST, AND CHORD LENGTH OF 158.26 FEET TO A POINT OF REVERSE CURVATURE; THENCE ALONG A CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING A RADIUS OF 254.00 FEET, ARC LENGTH OF 75.43 FEET, DELTA ANGLE OF 17 DEGREES, 00 MINUTES, 50 SECONDS, A CHORD BEARING OF SOUTH 19 DEGREES, 44 MINUTES, 02 SECONDS WEST AND CHORD LENGTH OF 75.15 FEET TO A POINT OF TANGENCY; THENCE SOUTH 11 DEGREES, 13 MINUTES, 37 SECONDS WEST, A DISTANCE OF 351.92 FEET; THENCE SOUTH 85 DEGREES, 25 MINUTES, 37 SECONDS EAST, A DISTANCE OF 98.67 FEET TO A POINT OF CURVATURE; THENCE ALONG A CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING A RADIUS OF 464.00 FEET, ARC LENGTH OF 152.10 FEET, DELTA ANGLE OF 18 DEGREES, 46 MINUTES, 56 SECONDS, A CHORD BEARING OF NORTH 85 DEGREES, 10 MINUTES, 55 SECONDS EAST, AND CHORD LENGTH OF 151.42 FEET; THENCE NORTH 75 DEGREES, 47 MINUTES, 27 SECONDS EAST, A DISTANCE OF 306.86 FEET; THENCE NORTH 08 DEGREES, 00 MINUTES, 22 SECONDS WEST, A DISTANCE OF 4.18 FEET TO A POINT OF CURVATURE; THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION, HAVING A RADIUS OF 536.00 FEET,

APPIAN WAY REGIONAL CENTER USE PERMIT LEGAL DESCRIPTION

ARC LENGTH OF 74.90 FEET, DELTA ANGLE OF 08 DEGREES, 00 MINUTES, 23 SECONDS, A CHORD BEARING OF NORTH 04 DEGREES, 00 MINUTES, 12 SECONDS WEST, AND CHORD LENGTH OF 74.84 FEET TO A POINT OF TANGENCY; THENCE NORTH 00 DEGREES, 00 MINUTES, 00 SECONDS EAST, A DISTANCE OF 259.02 FEET TO A POINT OF CURVATURE; THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION, HAVING A RADIUS OF 136.00 FEET, ARC LENGTH OF 213.63 FEET, DELTA ANGLE OF 90 DEGREES, 00 MINUTES, 00 SECONDS, A CHORD BEARING OF NORTH 45 DEGREES, 00 MINUTES, 00 SECONDS EAST, AND CHORD LENGTH OF 192.33 FEET TO A POINT OF TANGENCY; THENCE SOUTH 90 DEGREES, 00 MINUTES, 00 SECONDS EAST, A DISTANCE OF 799.82 FEET; THENCE NORTH 00 DEGREES, 10 MINUTES, 20 SECONDS EAST, A DISTANCE OF 587.53 FEET; THENCE SOUTH 89 DEGREES, 47 MINUTES, 55 SECONDS EAST, A DISTANCE OF 594.74 FEET TO A POINT OF CURVATURE; THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION, HAVING A RADIUS OF 386.00 FEET, ARC LENGTH OF 174.69 FEET, DELTA ANGLE OF 25 DEGREES, 55 MINUTES, 51 SECONDS, A CHORD BEARING OF SOUTH 76 DEGREES, 50 MINUTES, 00 SECONDS EAST, AND CHORD LENGTH OF 173.21 FEET TO A POINT OF TANGENCY; THENCE SOUTH 63 DEGREES, 52 MINUTES, 05 SECONDS EAST, A DISTANCE OF 200.82 FEET TO A POINT OF CURVATURE; THENCE ALONG A CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING A RADIUS OF 1,065.00 FEET, ARC LENGTH OF 963.45 FEET, DELTA ANGLE OF 51 DEGREES, 49 MINUTES, 57 SECONDS, A CHORD BEARING OF SOUTH 10 DEGREES, 16 MINUTES, 37 SECONDS WEST, AND CHORD LENGTH OF 930.93 FEET; THENCE SOUTH 27 DEGREES, 23 MINUTES, 00 SECONDS WEST, A DISTANCE OF 36.15 FEET; THENCE SOUTH 71 DEGREES, 04 MINUTES, 43 SECONDS WEST, A DISTANCE OF 57.97 FEET TO A POINT OF CURVATURE; THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION, HAVING A RADIUS OF 264.00 FEET, ARC LENGTH OF 102.07 FEET, DELTA ANGLE OF 22 DEGREES, 09 MINUTES, 07 SECONDS, A CHORD BEARING OF SOUTH 82 DEGREES, 09 MINUTES, 17 SECONDS WEST, AND CHORD LENGTH OF 101.43 FEET; THENCE SOUTH 03 DEGREES, 13 MINUTES, 50 SECONDS WEST, A DISTANCE OF 72.00 FEET TO A POINT OF CURVATURE; THENCE ALONG A CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING A RADIUS OF 336.00 FEET, ARC LENGTH OF 129.91 FEET, DELTA ANGLE OF 22 DEGREES, 09 MINUTES, 07 SECONDS, A CHORD BEARING OF NORTH 82 DEGREES, 09 MINUTES, 17 SECONDS EAST, AND CHORD LENGTH OF 129.10 FEET TO A POINT OF TANGENCY; THENCE NORTH 71 DEGREES, 04 MINUTES, 43 SECONDS EAST, A DISTANCE OF 57.97 FEET; THENCE SOUTH 65 DEGREES, 13 MINUTES, 34 SECONDS EAST, A DISTANCE OF 36.15 FEET TO A POINT OF CURVATURE; THENCE ALONG A CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING A RADIUS OF 1,065.00 FEET, ARC LENGTH OF 101.48 FEET, DELTA ANGLE OF 05 DEGREES, 27 MINUTES, 34 SECONDS, A CHORD BEARING OF SOUTH 24 DEGREES, 56 MINUTES, 00 SECONDS EAST, AND A CHORD LENGTH OF 101.44 FEET TO A POINT OF TANGENCY; THENCE SOUTH 27 DEGREES, 39 MINUTES, 47 SECONDS EAST, A DISTANCE OF 937.76 FEET TO A POINT OF CURVATURE; THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION, HAVING A RADIUS OF 935.00 FEET, ARC LENGTH OF 362.39 FEET, DELTA ANGLE OF 22 DEGREES, 12 MINUTES, 25 SECONDS, A CHORD BEARING OF SOUTH 16 DEGREES, 33 MINUTES, 34 SECONDS EAST, AND CHORD LENGTH OF 360.13 FEET; THENCE SOUTH 42 DEGREES, 06 MINUTES, 10 SECONDS WEST, A DISTANCE OF 34.23 FEET; THENCE SOUTH 88 DEGREES, 53 MINUTES, 45 SECONDS WEST, A DISTANCE OF 173.60 FEET; THENCE SOUTH 01 DEGREES, 06 MINUTES, 15 SECONDS EAST, A DISTANCE OF 96.00 FEET; THENCE NORTH 88 DEGREES, 53 MINUTES, 45 SECONDS EAST, A DISTANCE OF 173.39 FEET; THENCE SOUTH 44 DEGREES, 11 MINUTES, 18 SECONDS EAST, A DISTANCE OF 34.15 FEET TO A POINT OF CURVATURE; THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION, HAVING A RADIUS OF 935.00 FEET, ARC LENGTH OF 666.56 FEET, DELTA ANGLE OF 40 DEGREES, 50 MINUTES, 46 SECONDS, A CHORD BEARING OF SOUTH 23 DEGREES, 54 MINUTES, 59 SECONDS WEST, AND CHORD LENGTH OF 652.54 FEET TO A POINT OF TANGENCY; THENCE SOUTH 44 DEGREES, 20 MINUTES, 22 SECONDS WEST, A DISTANCE OF 400.02 FEET; THENCE SOUTH 85 DEGREES, 41 MINUTES, 38 SECONDS WEST, A DISTANCE OF 37.53 FEET; THENCE NORTH 52 DEGREES, 57 MINUTES, 07 SECONDS WEST, A DISTANCE OF 206.15 FEET TO A POINT OF INTERSECTION WITH THE WEST LINE OF THE SOUTHEAST

APPIAN WAY REGIONAL CENTER USE PERMIT LEGAL DESCRIPTION

QUARTER OF SAID SECTION 23; THENCE NORTH 56 DEGREES, 19 MINUTES, 51 SECONDS WEST, A DISTANCE OF 780.25 FEET; THENCE NORTH 52 DEGREES, 26 MINUTES, 01 SECONDS WEST, A DISTANCE OF 758.61 FEET; THENCE NORTH 14 DEGREES, 44 MINUTES, 12 SECONDS WEST, A DISTANCE OF 39.56 FEET TO A POINT OF CURVATURE; THENCE ALONG A CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING A RADIUS OF 350.00 FEET, ARC LENGTH OF 102.82 FEET, DELTA ANGLE OF 16 DEGREES, 49 MINUTES, 58 SECONDS, A CHORD BEARING OF NORTH 12 DEGREES, 29 MINUTES, 33 SECONDS EAST, AND CHORD LENGTH OF 102.46 FEET; THENCE NORTH 85 DEGREES, 55 MINUTES, 26 SECONDS WEST, A DISTANCE OF 114.50 FEET TO A POINT OF CURVATURE; THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION, HAVING A RADIUS OF 235.50 FEET, ARC LENGTH OF 40.00 FEET, DELTA ANGLE OF 09 DEGREES, 43 MINUTES, 54 SECONDS, A CHORD BEARING OF SOUTH 08 DEGREES, 56 MINUTES, 31 SECONDS WEST, AND CHORD LENGTH OF 39.95 FEET; THENCE SOUTH 70 DEGREES, 21 MINUTES, 51 SECONDS WEST, A DISTANCE OF 30.30 FEET; THENCE NORTH 57 DEGREES, 09 MINUTES, 02 SECONDS WEST, A DISTANCE OF 556.12 FEET; THENCE NORTH 45 DEGREES, 55 MINUTES, 04 SECONDS WEST, A DISTANCE OF 202.24 FEET; THENCE NORTH 53 DEGREES, 03 MINUTES, 46 SECONDS WEST, A DISTANCE OF 200.03 FEET; THENCE NORTH 58 DEGREES, 00 MINUTES, 35 SECONDS WEST, A DISTANCE OF 400.90 FEET; THENCE NORTH 43 DEGREES, 05 MINUTES, 38 SECONDS WEST, A DISTANCE OF 117.22 FEET; THENCE NORTH 10 DEGREES, 49 MINUTES, 43 SECONDS WEST, A DISTANCE OF 18.79 FEET; THENCE NORTH 29 DEGREES, 00 MINUTES, 57 SECONDS EAST, A DISTANCE OF 22.22 FEET TO A POINT OF CURVATURE; THENCE ALONG A CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING A RADIUS OF 1,020.00 FEET, ARC LENGTH OF 528.62 FEET, DELTA ANGLE OF 29 DEGREES, 41 MINUTES, 38 SECONDS, A CHORD BEARING OF NORTH 14 DEGREES, 10 MINUTES, 08 SECONDS EAST, AND A CHORD LENGTH OF 522.72 FEET TO A POINT OF TANGENCY; THENCE NORTH 00 DEGREES, 40 MINUTES, 41 SECONDS WEST, A DISTANCE OF 155.34 FEET TO A POINT OF CURVATURE; THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION, HAVING A RADIUS OF 280.00 FEET, ARC LENGTH OF 7.40 FEET, DELTA ANGLE OF 01 DEGREES, 30 MINUTES, 51 SECONDS, A CHORD BEARING OF NORTH 10 DEGREES, 23 MINUTES, 48 SECONDS EAST, AND CHORD LENGTH OF 7.40 FEET TO A POINT OF REVERSE CURVATURE; THENCE ALONG A CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING A RADIUS OF 320.00 FEET, ARC LENGTH OF 64.11 FEET, DELTA ANGLE OF 11 DEGREES, 28 MINUTES, 42 SECONDS, A CHORD BEARING OF NORTH 05 DEGREES, 24 MINUTES, 51 SECONDS EAST, AND CHORD LENGTH OF 64.00 FEET TO A POINT OF TANGENCY; THENCE NORTH 00 DEGREES, 19 MINUTES, 30 SECONDS WEST, A DISTANCE OF 151.61 FEET; THENCE NORTH 44 DEGREES, 19 MINUTES, 19 SECONDS EAST, A DISTANCE OF 22.42 FEET TO THE POINT OF BEGINNING. CONTAINING AN AREA OF 6,124,715.20 SQUARE FEET, 140.60 ACRES.

April 26, 2005

APPIAN WAY REGIONAL CENTER

THE

GENERAL NOTES

1. THE PROJECT IS LOCATED AT THE INTERSECTION OF APPIAN WAY AND ROUTE 1.

2. THE PROJECT IS A REGIONAL CENTER AND WILL BE DEVELOPED IN PHASES.

3. THE PROJECT WILL BE DEVELOPED IN PHASES AND THE PHASES WILL BE DEVELOPED IN THE ORDER SHOWN ON THE PHASE DEVELOPMENT MAP.

4. THE PROJECT WILL BE DEVELOPED IN PHASES AND THE PHASES WILL BE DEVELOPED IN THE ORDER SHOWN ON THE PHASE DEVELOPMENT MAP.

5. THE PROJECT WILL BE DEVELOPED IN PHASES AND THE PHASES WILL BE DEVELOPED IN THE ORDER SHOWN ON THE PHASE DEVELOPMENT MAP.

6. THE PROJECT WILL BE DEVELOPED IN PHASES AND THE PHASES WILL BE DEVELOPED IN THE ORDER SHOWN ON THE PHASE DEVELOPMENT MAP.

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10. THE PROJECT WILL BE DEVELOPED IN PHASES AND THE PHASES WILL BE DEVELOPED IN THE ORDER SHOWN ON THE PHASE DEVELOPMENT MAP.

11. THE PROJECT WILL BE DEVELOPED IN PHASES AND THE PHASES WILL BE DEVELOPED IN THE ORDER SHOWN ON THE PHASE DEVELOPMENT MAP.

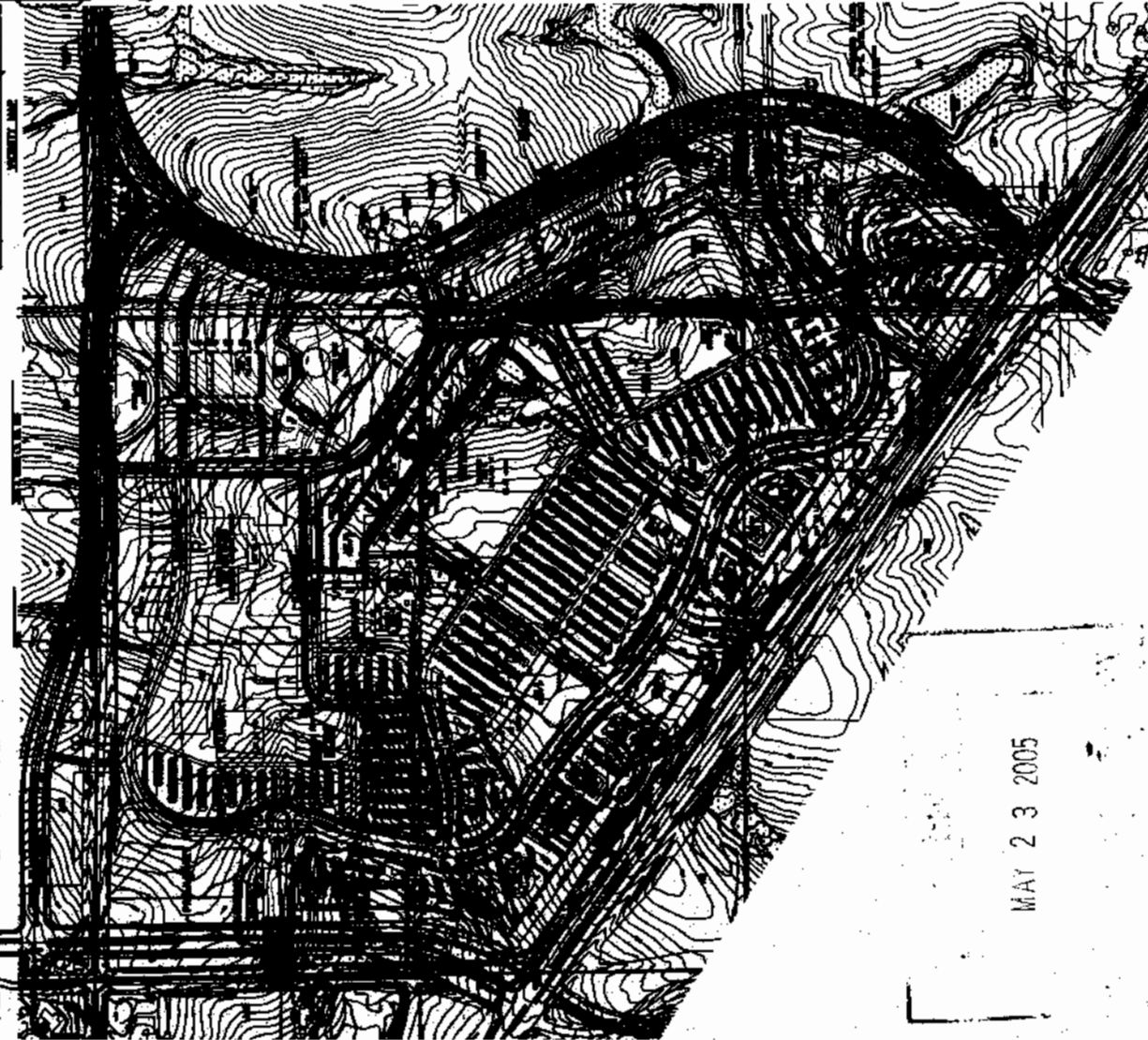
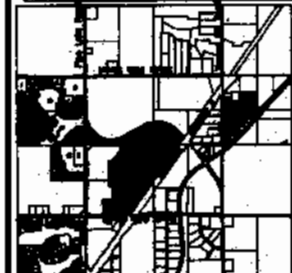
12. THE PROJECT WILL BE DEVELOPED IN PHASES AND THE PHASES WILL BE DEVELOPED IN THE ORDER SHOWN ON THE PHASE DEVELOPMENT MAP.

13. THE PROJECT WILL BE DEVELOPED IN PHASES AND THE PHASES WILL BE DEVELOPED IN THE ORDER SHOWN ON THE PHASE DEVELOPMENT MAP.

14. THE PROJECT WILL BE DEVELOPED IN PHASES AND THE PHASES WILL BE DEVELOPED IN THE ORDER SHOWN ON THE PHASE DEVELOPMENT MAP.

15. THE PROJECT WILL BE DEVELOPED IN PHASES AND THE PHASES WILL BE DEVELOPED IN THE ORDER SHOWN ON THE PHASE DEVELOPMENT MAP.

NO.	DESCRIPTION	DATE	BY	CHECKED
1	APPROVED FOR CONSTRUCTION	10/1/04	W. J. BROWN	J. BROWN
2	APPROVED FOR CONSTRUCTION	10/1/04	W. J. BROWN	J. BROWN
3	APPROVED FOR CONSTRUCTION	10/1/04	W. J. BROWN	J. BROWN
4	APPROVED FOR CONSTRUCTION	10/1/04	W. J. BROWN	J. BROWN
5	APPROVED FOR CONSTRUCTION	10/1/04	W. J. BROWN	J. BROWN
6	APPROVED FOR CONSTRUCTION	10/1/04	W. J. BROWN	J. BROWN
7	APPROVED FOR CONSTRUCTION	10/1/04	W. J. BROWN	J. BROWN
8	APPROVED FOR CONSTRUCTION	10/1/04	W. J. BROWN	J. BROWN
9	APPROVED FOR CONSTRUCTION	10/1/04	W. J. BROWN	J. BROWN
10	APPROVED FOR CONSTRUCTION	10/1/04	W. J. BROWN	J. BROWN
11	APPROVED FOR CONSTRUCTION	10/1/04	W. J. BROWN	J. BROWN
12	APPROVED FOR CONSTRUCTION	10/1/04	W. J. BROWN	J. BROWN
13	APPROVED FOR CONSTRUCTION	10/1/04	W. J. BROWN	J. BROWN
14	APPROVED FOR CONSTRUCTION	10/1/04	W. J. BROWN	J. BROWN
15	APPROVED FOR CONSTRUCTION	10/1/04	W. J. BROWN	J. BROWN



APPROVED FOR CONSTRUCTION

APPROVED FOR CONSTRUCTION

REFERENCE SHEET 1A OF 12
FOR LEGAL DESCRIPTIONS FOR
PRELIMINARY PLAT, USE PERMIT, AND
SPECIAL USE PERMIT.

MAY 23 2005



-CONCEPT PLAN-

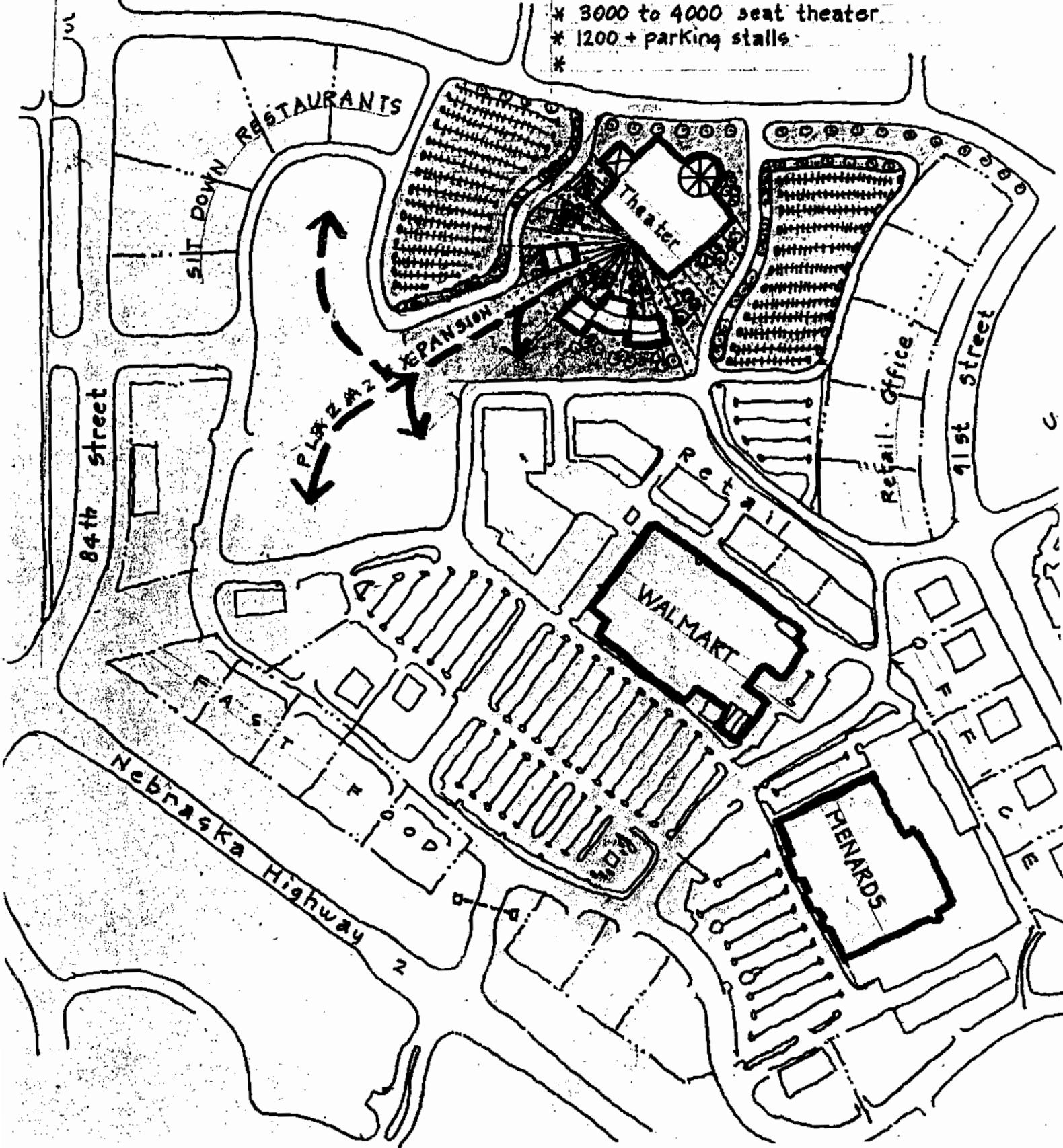
Prairie Lake Theater Proposal

Scale: 1"=400'

* 3000 to 4000 seat theater

* 1200+ parking stalls

*



M e m o r a n d u m

To: Brian Will, Planning Department

From: Chad Blahak, Public Works and Utilities
Dennis Bartels Public Works and Utilities

Subject: Appian Way Regional Center Special Permit #05023 Use Permit #140B

Date: May 23, 2005

cc: Randy Hoskins

Engineering Services has reviewed the submitted plans for the Appian Way Regional Center Special Use Permit, located north of Highway 2 between South 91st Street and South 84th Street, and has the following Comments:

- 1) Public Works approves the conceptual layout for this use permit. However, site specific detailed plans will need to be approved through the administrative amendment process rather than at the time of building permits. Site specific details that will need to be approved through an administrative amendment include but are not limited to the following:
 - A grading and drainage plan need to be provided showing proper storm sewer pipe locations and sizing calculations. Also, all required information regarding the required detention at the north end of this lot will need to be provided.
 - Street profiles will need to be provided for any public or private streets that are shown in this plan that were not part of the original approved use permit.
 - Water main and sanitary sewer locations and sizes will need to be shown on the site plan.
- 2) The following changes need to be made to these plans:
 - Although this is a conceptual layout, the driveway access from Lot 1 Block 4 to 91st Street needs to be removed from these plans. This connection to 91st Street is not approved by Public Works.
 - Although the approved annexation agreement allows a 20% reduction for pass-by trips in the trip cap for this project, Public Works does not agree that movie theater or office uses qualify for this reduction. Pass-by trips are described as intermittent stops along a travel path. Movie theaters and office uses do not generally produce intermittent stops, rather they are more accurately described as primary destinations. Public Works recommends that the land use table be revised to show the movie theater and office uses not utilizing the 20% pass-by reduction.
 - General Note #34 needs to be revised to say that detailed plans will be approved through the administrative amendment process prior to the building permit process.

**LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT
INTER-OFFICE COMMUNICATION**

TO: Brian Will **DATE:** May 10, 2005

DEPARTMENT: Planning **FROM:** Chris Schroeder

ATTENTION: **DEPARTMENT:** Health

CARBONS TO: EH File **SUBJECT:** Appian Way Regional

EH Administration Center SP #05023
 CZ #05035 & #05036
 UP #140B

The Lincoln-Lancaster County Health Department (LLCHD) has reviewed the proposed development with the following noted:

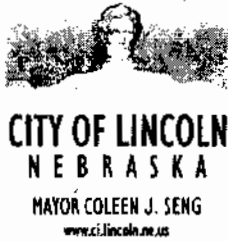
- According to the LLCHD's Geographic Information System (GIS) records, a twelve inch high pressure underground natural gas pipeline is located to the west of this proposed development. The LLCHD calculated a hazard area of approximately 220 feet on each side for this pipeline using the hazard area equation from report entitled, "A Model for Sizing High Consequence Areas Associated with Natural Gas Pipelines" prepared by Mark J. Stephens from C-FER Technologies. A hazard area or high consequence area is defined as the area within which the extent of property damage and the chance of serious or fatal injury would be expected to be significant in the event of a worst case scenario rupture failure.
- While there are no current regulations that prohibit locating occupied structures within hazard areas, the LLCHD recommends that occupied structures not be located within hazard areas. At the very least, LLCHD recommends that future owners or lessees of buildings located within the projected hazard area be advised of the natural gas pipeline location and its associated hazard area.
- All wind and water erosion must be controlled during construction. The Lower Platte South Natural Resources District should be contacted for guidance in this matter.
- During the construction process, the land owner(s) will be responsible for controlling off-site dust emissions in accordance with Lincoln-Lancaster County Air Pollution Regulations and Standards Article 2 Section 32. Dust control measures shall include, but not limited to application of water to roads, driveways, parking lots on site, site frontage and any adjacent business or residential frontage. Planting and maintenance of ground cover will also be incorporated as necessary.

Richard J Furasek/Notes
05/11/2005 02:33 PM

To Brian J Will/Notes@Notes
cc
bcc
Subject Appian Way Regional Center

Upon review of Special Permit (CUP) # SP 05023, Change of Zone (PUD) # CZ05035 and CZ05036, and Use Permit # UP 140B, we have no objections from the perspective of our department. The only issue is the emergency response time to the area. With existing facilities, we are not able to provide the type of emergency response that our citizens have grown accustomed to expect.

Richard J. Furasek
Assistant Chief Operations
Lincoln Fire & Rescue
1801 Q Street
Lincoln Ne. 68508
Office 402-441-8354
Fax 402-441-8292



**PUBLIC WORKS AND
UTILITIES DEPARTMENT**

Memorandum

Date: 5/16/2005

To: Brian Will

From: Devin Biesecker

Subject: Appian Way Regional Center

cc: Ben Higgins, Chad Blahak

Watershed Management has reviewed the Appian Way Regional Center Special Permit and has the following comments.

1. All drainage requirements related to stormwater detention will need to be approved with amendments to this plan. The area needed for stormwater detention may require the adjusting of lot sizes and locations shown on this plan.
2. Note 34 on the Sheet 1 of 12 needs to be revised to state that detailed plans will be submitted for review by administrative amendments to this plat.